

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF NORTH CAROLINA

U.S.A. vs. Robert Deshawn Thomas

Docket No. 5:97-CR-185-1H

Petition for Action on Supervised Release

COMES NOW Peter J. Yalango, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Robert Deshawn Thomas, who, upon an earlier plea of guilty to 21 U.S.C. §846, Conspiracy to Distribute and Possess with Intent to Distribute Cocaine Base; 18 U.S.C. §2113(a)(d), Armed Bank Robbery; and 18 U.S.C. §924, Use of a Firearm During and in Relation to a Crime of Violence, was sentenced by the Honorable Malcolm J. Howard, Senior U.S. District Judge, on October 14, 1998, to the custody of the Bureau of Prisons for a term of 120 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 5 years.

Robert Deshawn Thomas was released from custody on August 19, 2013, at which time the term of supervised release commenced.

A Violation Report was submitted to Your Honor on May 12, 2014, stating that the defendant submitted a urinalysis sample which tested positive for marijuana on May 7, 2014. The defendant was verbally reprimanded and it was recommended that no further action be taken. Your Honor agreed with this recommendation on May 13, 2014.

A Petition for Action on Supervised Release was submitted to Your Honor on July 30, 2014, stating that the defendant submitting a urinalysis sample which tested positive for marijuana on July 29, 2014. It was recommended that the defendant's conditions of supervised release be modified to confine the defendant to the Bureau of Prisons for a period of 3 days. Your Honor agreed with this recommendation and the defendant's conditions of supervised release were modified on July 31, 2014. The defendant served his term of imprisonment without incident.

A Petition for Action on Supervised Release was submitted to Your Honor on August 31, 2015, stating that the defendant submitted a urinalysis sample which tested positive for marijuana on July 8, 2015. It was recommended that the defendant's conditions of supervised release be modified to confine the defendant to the Bureau of Prisons for a period of 3 days. Your Honor agreed with this recommendation and the defendant's conditions of supervised release were modified on September 1, 2015. The defendant served his term of imprisonment without incident. The defendant served his term of imprisonment without incident.

A Petition for Action on Supervised Release was submitted to Your Honor on February 22, 2016, stating that the defendant submitted a urinalysis sample which tested positive for marijuana on February 11, 2016. It was recommended that the defendant's conditions of supervised release be modified to confine the defendant to the Bureau of Prisons for a period of 5 days. Your Honor agreed with this recommendation and the defendant's conditions of supervised release were modified on February 23, 2016. The defendant served his term of imprisonment without incident.

A Violation Report was submitted to Your Honor on April 25, 2016, stating that the defendant submitted a urinalysis sample which tested positive for marijuana on April 13, 2016. It was recommended that no further action be taken due to the fact that the defendant had not yet served his 5 day term of imprisonment for his previous positive urinalysis test. Your Honor agreed with this recommendation on April 25, 2016.

A Petition for Action on Supervised Release was submitted to Your Honor on January 23, 2018, stating that the defendant submitted a urinalysis sample which tested positive for marijuana on January 21, 2018. The

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defendant was enrolled in substance abuse counseling at Integrated Behavioral Healthcare Services and it was recommended that the defendant's conditions of supervised release be modified to allow the defendant to participate on mental health treatment. Your Honor agreed with this recommendation and the defendant's conditions of supervised release were modified on January 24, 2018.

A Violation Report was submitted to Your Honor on February 27, 2018, stating that the defendant had failed to comply with his payment plan and was \$546.00 in arrears. This officer verbally reprimanded the offender and recommended no further action be taken. Your Honor agreed with this recommendation on February 28, 2018.

A Violation Report was submitted to Your Honor on March 6, 2018, stating that the defendant was cited for Driving While License Revoked in Wayne County, North Carolina on February 28, 2018. This officer verbally reprimanded the offender and recommended no further action be taken. Your Honor agreed with this recommendation on March 6, 2018.

A Violation Report was submitted to Your Honor on March 22, 2018, stating that the defendant submitted a urinalysis sample which tested positive for marijuana on March 8, 2018. This officer recommended that no further action be taken. Your Honor agreed with this recommendation on March 26, 2018.

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS
FOLLOWS:**

The defendant submitted a urinalysis sample on May 25, 2018, which tested positive for marijuana. The defendant admitted to using marijuana on May 18, 2018. This is the third positive urinalysis sample submitted by the defendant within this year. The defendant has agreed to be placed on a curfew monitored by radio frequency for 30 days as a sanction for this new positive urinalysis sample. Our office will request that a revocation hearing be scheduled if any additional urinalysis samples are submitted by the offender.

The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall adhere to a curfew as directed by the probation officer for a period not to exceed 30 consecutive days. The defendant is restricted to their residence during the curfew hours. The defendant shall submit to the following Location Monitoring: Radio Frequency monitoring and abide by all program requirements, instructions and procedures provided by the supervising officer.

Except as herein modified, the judgment shall remain in full force and effect.

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Reviewed and approved,

I declare under penalty of perjury that the foregoing
is true and correct.

/s/ Eddie J. Smith

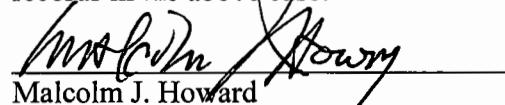
Eddie J. Smith
Supervising U.S. Probation Officer

/s/ Peter J. Yalango

Peter J. Yalango
U.S. Probation Officer
150 Rowan Street Suite 110
Fayetteville, NC 28301
Phone: 910-354-2546
Executed On: June 01, 2018

ORDER OF THE COURT

Considered and ordered this 5 day of June 2018, and ordered filed and made a part of the
records in the above case.


Malcolm J. Howard
Senior U.S. District Judge